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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the Matter of

1998 Biennial Regulatory Review
Spectrum Aggregation Limits
for Wireless Telecommunications Carriers

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WT Docket No. 98-205

To the Commission

REPLY COMMENTS

Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless Services (Chariton), by counsel, hereby submits Reply Comments – Chariton vigorously urges the Commission to repeal its extant spectrum cap, codified as 47 CFR §20.6, or to substantially modify the spectrum cap such that it no long impedes the effective and efficient deployment of wireless services in rural areas; alternatively, the Commission should liberally grant waivers to rural wireless service providers like Chariton to promote the effective and efficient deployment of wireless services in rural areas, irrespective of any spectrum cap. In support whereof, Chariton states as follows:

Chariton operates a rural cellular telephone company providing service in north central Missouri. Based in Bucklin Missouri, Chariton provides wireless telecommunications in rural Chariton, Macon, Randolph, Shelby and Linn Counties. The population of these five counties is under 70,000; the counties contain 3163 square miles. Chariton, with the belief that wireless technologies can improve the quality of life in rural areas has long been a proponent of wireless, and

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as such has minority ownership in other cellular systems in its general area, in addition to its aforementioned RSA partnership.

Indeed, as Chariton views the future, the ability to provide an array of wireless services will become evermore important to rural life in general and the health of rural economies. To this end, Chariton desires to expand the scope and breadth of its wireless offerings. For example, Chariton would like the opportunity to become a PCS licensee and offer the benefits of this digital wireless service in its general area. But, the Commission's 45Mhz spectrum cap stands, or may stand, as an impediment to this goal. And, given the very rural and sparse area that Chariton serves or might serve, the public interest would be disserved if the spectrum cap ultimately deprived citizens living and working in rural areas of service, because rural economics may not support several stand-alone operators; economies of scale support the lifeblood of rural telecommunications services in general and wireless services in particular. In Chariton's case, and as may the case in rural areas like Chariton's generally, the spectrum cap is "anticompetitive."

Chariton applauds the Commission for undertaking this proceeding aimed at reexamining its policies on spectrum aggregation. Further, Chariton believes that the Commission's "commit[ment] to ensuring that rural and other areas presently under-served by telecommunications providers are not left behind by the telecommunications revolution" fully comports with and advances those provisions in the Telecommunications Act of 1996 to ensure the viability and equality of communications in rural areas.

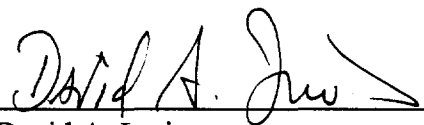
Chariton has reviewed the record and Comments filed in response to the Commission's NPRM herein. Accordingly, Chariton supports the Comments filed by the Rural Telecommunications Group (RTG), because RTG eloquently states the case for relief from the

anticompetitive effects the spectrum cap has in rural areas. Rather than promote diversity of services, the spectrum cap chills competition and denies service-oriented providers like Chariton of the opportunity to offer an array of wireless mobile and fixed services to rural customers. Chariton also endorses the reasoning set forth by the RTG for forbearance and other relief from the spectrum cap in rural areas.

In summary, the bottom line is clear: the spectrum cap has outlived any possible utility in rural applications; the spectrum cap should be repealed, or the Commission should forebear from applying it to rural areas; alternatively, the Commission should liberally grant waivers of the spectrum cap in rural areas to promote efficient and effective wireless telecommunications services.

Respectfully Submitted,

CHARITON VALLEY WIRELESS SERVICES

By: 
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February 10, 1999

CERTIFICATE OF SERVICE

I, Vanessa N. Duffy, a secretary in the law offices of Irwin, Campbell & Tannenwald, P.C., do hereby certify that, on February 10, 1999, I had copies of the foregoing "Reply Comments" mailed by U.S. first class mail, postage prepaid, to the following:

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Southern Communications Services, Inc.
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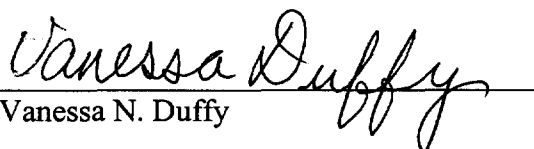
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